IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 6211 of 2005

Between:

Balakrishna, s/o Gangaiah,
H.No.2-54, (Vi), Nallagandlla, Post:Serilingampally Mandal, R.R.District.

... PETITIONER

AND

1 A.G.M.Bharat Sanchar Nigam Ltd., Chandanagar, R.R.District.
2 The General Manager, Bharat Sanchar Nigam Ltd., Ameerpet.
3 The Chief General Manager, Bharat Sanchar Nigam Ltd., Vasant Vihar, Abids, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ or writs order or direction, declaring the action of the respondents as discriminatory, illegal, arbitrary and violative of article 14 and to consequently direct the respondent to install CCB-PCO at petitioner rental premises 2-54 and pass such other and further orders as are deem fit and proper in the circumstances of the case and in the interest of justice.

Counsel for the Petitioner: MR.V.JAGADEESHWER GOUD

Counsel for the Respondents: S.C. FOR BSNL.,

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed seeking Writ of Mandamus declaring the alleged action of the respondents in not permitting the petitioner to install CCB-PCO as arbitrary and illegal and consequently direct the respondents to permit the petitioner to install CCB-PCO at petitioner's rental premises 2-54, Nallagandal, Serilingampalli Mandal of Ranga Reddy District.

The matter was initially listed on 24-03-2005 and was adjourned to 06-04-2005 to enable the learned counsel for the respondents to get instructions.

Today, when the matter is taken up for consideration, learned counsel for the petitioner states that subsequently the petitioner was served with a demand note dated 26-03-2005 where under the petitioner was called upon to pay the security deposit of Rs.1,000/- on or before 16-04-2005. Learned counsel for the petitioner states that the petitioner is prepared to pay the said security deposit within the time granted.

On behalf of the respondents a counter affidavit has been filed stating that the sanction of the General Manager West permitting the installation of CCB-PT by the petitioner was received on 22-03-2005 and immediately a demand note for Rs.1,000/- was raised on 26-03-2005. It is also stated that as soon as the petitioner pays the demand note amount, the CCB-PT Advice Note for installation of CCB-PT will be issued to the petitioner.

In view of the subsequent events, the learned counsel for the petitioner states that no adjudication is necessary on merits. Accordingly the writ petition is disposed of leaving it open to the petitioner to comply with the demand raised by the respondent dated 26-03-2005 in which event the respondent will take further steps in accordance with law. No order as to costs.

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G. ROHINI, J

Dated: 11-04-2005

LSK

To

1 The A.G.M., Bharat Sanchar Nigam Ltd., Chandanagar, R.R.District.
2 The General Manager, Bharat Sanchar Nigam Ltd., Ameerpet.
3 The Chief General Manager, Bharat Sanchar Nigam Ltd., Vasant Vihar, Abids, Hyderabad.

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